IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2425 OF 2006
IN
SUIT NO.3289 OF 2000

Alihusein R. Tarwala ....Plaintiff
V/s.
Abbas Rasulbhai Tarwala & Anr. ....Defendants

Mr.Sanjay Jain i/b M/s.Zohar & Co. for the Plaintiff.
Mr.Sanjiv A. Sawant for Defendant No.1.
Ms.Mamta Saad i/b S.K. Srivastava & Co. for Defendant No.2.

**CORAM : S.J. VAZIFDAR, J.**
**DATED : 7TH SEPTEMBER, 2006.**

**P.C.** :

1. By consent the Notice of Motion is heard finally.

2. This is a suit for dissolution and accounts of the partnership.

3. Defendant No.2 claims to be one of the partners. In this Notice of Motion, Defendant No.2 has sought the following reliefs :-

> "(a) that the Prothonotary & Senior Master be directed to appoint Government approved valuer from the Panel for purpose of the

ascertaining the valuation of the assets of the suit partnership known as M/s.Rasulbhai & Sons situate at 82-Sarang Street, Mumbai-400 003 ;

(b) that upon such valuation being obtained from the valuer, 2nd Defendant be given liberty to purchase the respective shares of the Plaintiff and 1st Defendant at the valuation so arrived at."

4. The accounts are yet to be taken. There is a dispute as to the rights of the Plaintiff. According to Defendant No.1, the Plaintiff had retired from the firm on 1.12.1999. The Plaintiff obviously claims to be a partner of the firm on the date of dissolution claimed in the suit.

5. Till the accounts are taken, no individual party is entitled to a valuation of the property. Nor is any independent partner entitled upon obtaining the valuation to purchase the shares of other partners.

6. The Notice of Motion is dismissed.